

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Gerard Oliver

AND

Linda Oliver

Plaintiffs,

v.

Convergent Outsourcing, Inc.

Defendant.

Case No.

**COMPLAINT FOR DAMAGES
UNDER THE FAIR DEBT COLLECTION
PRACTICES ACT AND OTHER
EQUITABLE RELIEF**

JURY DEMAND ENDORSED HEREIN

PARTIES

1. Plaintiff, Gerard Oliver, (“Gerard”), is a natural person who resided in San Lorenzo, California, at all times relevant to this action.
2. Plaintiff, Linda Oliver, Gerard’s wife, (“Wife”), is a natural person who resided in San Lorenzo, California, at all times relevant to this action.
3. Defendant, Convergent Outsourcing, Inc., (“CO”), is a Washington Corporation that maintained its principal place of business in Renton, Washington, at all times relevant to this action and has an office in Houston, Texas.

JURISDICTION AND VENUE

4. Pursuant to 28 U.S.C. §1331, this Court has federal question jurisdiction over this matter as it arises under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692 et seq.
5. Pursuant to 28 U.S.C. §1391(b), venue is proper because Defendant resides in this judicial district and is subject to personal jurisdiction in this district.

STATEMENT OF FACTS

6. At all times relevant to this action, CO collected consumer debts.
7. CO regularly uses instrumentalities of interstate commerce and the mails to collect consumer debts owed or due or asserted to be owed or due another.
8. The principal source of CO's revenue is debt collection.
9. CO is a "debt collector" as defined by 15 U.S.C. §1692a(6).
10. As described, *infra*, CO contacted Gerard to collect a debt that was incurred primarily for personal, family, or household purposes.
11. This alleged obligation is a "debt" as defined by 15 U.S.C. §1692a(5).
12. Gerard and Wife are "consumers" as defined by 15 U.S.C. §1692a(3).
13. A few months ago, CO began contacting Gerard on Gerard's home telephone in connection with the collection of a debt.
14. On numerous occasions, CO left automated voice messages.
15. On each of these occasions, Gerard or Wife selected the option to speak with a "live person", but the calls were disconnected.
16. These automated calls were very stressful for Gerard and Wife.
17. During one communication, Wife spoke with a rude party who did not identify itself as a debt collector attempting to collect a debt.
18. Recently Gerard contacted CO and left a voice message requesting CO cease further calls to Gerard.
19. CO caused Gerard and Wife emotional distress.
20. CO attempted to collect a debt from Gerard and Wife.
21. CO violated the FDCPA.

COUNT ONE

Violation of the Fair Debt Collection Practices Act

22. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
23. Defendant violated 15 U.S.C. §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of the debt.

COUNT TWO

Violation of the Fair Debt Collection Practices Act

24. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
25. Defendant violated 15 U.S.C. §1692e by using false, deceptive, or misleading representations or means in connection with the collection of the debt.

COUNT THREE

Violation of the Fair Debt Collection Practices Act

26. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
27. Defendant violated 15 U.S.C. §1692f by using unfair or unconscionable means to collect the debt.

JURY DEMAND

28. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

29. Plaintiff prays for the following relief:
- a. Judgment, in favor of Gerard and Wife, against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.

- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Hyslip & Taylor, LLC, LPA

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